

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH P. NOLFF, ANDREW TATE and  
BRUCE PALENSKE, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ATERIAN, INC., YANIV SARIG, FABRICE  
HAMAIDE, and ARTURO RODRIGUEZ,

Defendants.

**CASE No.: 1:21-cv-04323-VM**

**NOTICE OF UNOPPOSED MOTION FOR ENTRY OF ORDER PRELIMINARILY  
APPROVING SETTLEMENT AND ESTABLISHING NOTICE PROCEDURES**

PLEASE TAKE NOTICE that Lead Plaintiff Joseph Nolff and Named Plaintiff Bruce Palenske (“Plaintiffs”), individually and on behalf of all others similarly situated, will hereby move this Court on a date and at such time as may be designated by the Honorable Victor Marrero, United States District Judge of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, Courtroom 15B, New York, NY 10007, for entry of an Order: (1) preliminarily certifying the Settlement Class for the purposes of settlement; (2) preliminarily approving the terms of the Settlement as set forth in the Stipulation and Agreement of Settlement (“Stipulation”), filed concurrently herewith; (3) approving the form and method for providing notice of the Settlement; and (4) scheduling a Settlement Hearing and deadlines for mailing and publication of the Notice, the filing of Settlement Class Member objections, the filing of Settlement Class Member opt-out notices, the filing of Plaintiffs’ motion

for Final Approval of the Settlement, and the filing of Lead Counsel's application for attorneys' fees and expenses.

This motion is based on this Notice of Unopposed Motion, the Stipulation and all exhibits attached thereto, Plaintiffs' supporting Memorandum of Law, and the Declaration of Jacob A. Goldberg and the exhibits attached thereto, all filed contemporaneously herewith, and all pleadings, records, and papers on file herein.

Defendants do not oppose the relief requested by this motion. Accordingly, Plaintiffs request that the Court enter the [Proposed] Order Granting Motion For Preliminary Approval of Class Action Settlement, a copy of which is attached as Exhibit A to the Stipulation and for the Court's convenience, submitted herewith.

Dated: May 4, 2022

**THE ROSEN LAW FIRM, P.A.**

By: /s/ Jacob A. Goldberg  
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*Lead Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2022, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Jacob A. Goldberg  
Jacob A. Goldberg